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Corcoran: Cleanup May Be Very Costly

EPA Legal Bills \$19,000 For Single Month

By PETER CRABTREE

BENNINGTON — After paying school attorneys more than \$500,000 to wage a six-year legal battle, town residents may be on the verge of witnessing a similar hemorrhaging of their tax dollars, according to a selector.

Negotiations with the U.S. Environmental Protection Agency over the cleanup of the town landfill have cost taxpayers \$19,000 for just one month's legal work, Selector Timothy Corcoran said.

In a recent interview, Corcoran drew a distinction between the Bennington School District's legal battle with former officials, which it instigated, and the town's Superfund-site predicament.

But he said the same potential exists for astronomical sums to be spent by the town and 11 local companies that have agreed to

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**Timothy Corcoran
Selector**

study the extent of pollution at the landfill and clean it up. An EPA consent order signed by the parties went into effect Monday.

"We'll spend more on legal fees combined than will go into clean-up. Mark my words," said Corcoran.

The group's counsel is James A. Thompson, Jr., a former EPA attorney now with the Hartford, Conn., firm of Pepe and Hazard. Government officials say Thompson has carved out a reputation as one of the premier Superfund attorneys in the Northeast.

Thompson and others have estimated it will take two years and

cost as much as \$1.5 million to complete the EPA-ordered study. That is in addition to the \$219,000 the agency has already spent and which the parties must repay in large part.

But no one can estimate what Thompson will be paid, according to Corcoran.

"How can they? Nobody knows what the cost of this is going to be," he said. "It depends on how far it goes, how tough the negotiations are."

Corcoran said the \$19,000 bill Thompson recently sent the town was for the month of April alone.

The town and 11 of 26 "potentially responsible parties" named by the EPA signed the consent order late last month after intensive negotiations.

Corcoran added that the town has come under pressure from some of the companies to pay for most of the cleanup.

"It's easy for them to say, 'You pick it up. You have taxing powers,'" said Corcoran.

The companies who signed the order include Bijur Lubricating Corp., Johnson Controls Inc. and Eveready Battery Co.

Corcoran said a major issue to

be resolved is what the town insurance company is willing to cover. "There's absolutely no commitment from them so far accepting any liability. That's the issue we'll have to talk about later," he said.

"Municipalities have all they can do to keep their heads above water," Corcoran said. "This could be a legal nightmare."

According to the EPA, local industries dumped liquid wastes at the site from 1969 to 1975, contaminating groundwater, surface water and sediment with PCBs, heavy metals and volatile organic compounds.

The agency wants the land cleaned up by 1997.

Vermont has eight sites that are deemed among the most hazardous chemical dumps in the nation. Bennington's other Superfund site is at the Tansil Electronics Inc. factory, with the remainder located in Burlington, Lyndon, Lyndonville, Rockingham, Springfield and Woodford.